

Amy M. Samberg, NV Bar No. 10212
asamberg@fgppr.com
FORAN GLENNON PALANDECH
PONZI & RUDLOFF PC
400 East Van Buren Street, Suite 550
Phoenix, AZ 85004
Telephone: 602-926-9880
Facsimile: 312-863-5099

Dylan P. Todd, NV Bar No. 10456
dtodd@fgppr.com
Lee H. Gorlin, NV Bar No. 13879
lgorlin@fgppr.com
FORAN GLENNON PALANDECH
PONZI & RUDLOFF PC
2200 Paseo Verde Parkway, Suite 280
Henderson, NV 89052
Telephone: 702-827-1510
Facsimile: 312-863-5099

*Attorneys for Plaintiff Primerica Life
Insurance Company*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

PRIMERICA LIFE INSURANCE COMPANY, a
foreign corporation,

Plaintiff,

v.

KAREN V. AGUILAR, an individual;
GWENDOLYN LEAH DYSON, as
Administrator of the Estate of John Leonard
Coleman; AMERICAN FUNERAL
FINANCIAL, LLC, a South Carolina limited
liability corporation and, DOES 1-10,

Defendants.

CASE NO. 2:20-cv-00121-JAD-BNW

**MOTION FOR AMENDED ORDER
TO DEPOSIT INTERPLEADER
FUNDS (INCLUDING ACCRUED
INTEREST)**

Pursuant to 28 U.S.C. §1335, Fed. R. Civ. P. 67, and Local rule 67-1, Interpleader Plaintiff
Primerica Life Insurance Company (“Primerica”) hereby moves this court for an Amended Order
to Deposit the Interplead Funds in the amount of \$412,000.00 plus accrued interest. This Motion
is based on the pleadings and papers on file and the attached memorandum points and authorities.

MEMORANDUM OF POINTS AND AUTHORITIES

Local Rule 67-1 provides, in pertinent part:

**LR 67-1. DEPOSIT AND INVESTMENT OF FUNDS IN THE
REGISTRY ACCOUNT; CERTIFICATE OF CASH
DEPOSIT**

(a) Cash tendered to the clerk for deposit into the court's Registry Account must be accompanied by a written statement titled "Certificate of Cash Deposit," which must be signed by the attorney or pro se party. The certificate must contain the following information:

...

(3) The nature of the tender (e.g., interpleader funds deposit ...);

(4) The **court order permitting the deposit;**

...

(b) The depositing party **must attach a copy of the order permitting the deposit.**

(c) The clerk may refuse cash tendered without the Certificate of Cash Deposit required by this rule.

LR 67-1 (emphasis added).

Here, this action is well under way. Before Primerica can be dismissed from this action, it must deposit the funds with the Court. However, Primerica requires the Court's Order to Deposit before a deposit can be made.

On June 19, 2020, Primerica filed its Motion for Interpleader Deposit (ECF No. 24). In the Motion, Primerica asked for leave to deposit the principal balance of the funds in the amount of \$412,000.00. *Id.* The Motion did not specify that interest has accrued and that the actual amount to be deposited is greater. The Court granted Primerica's Motion on June 22, 2020 (ECF No. 25). Primerica now submits this Motion for an Amended Order to allow deposit of the \$412,000.00 insurance proceeds as well as the accrued interest in the amount of \$14,651.40. The Total Deposit will be in the amount of **\$426,651.40**

Upon receipt of the Order to Deposit, the funds will be presented to the Court in the form of a check made payable to Clerk, United States District Court. Once presented, the funds shall

1 be deposited into the Court's Interest Bearing-Registry Account and invested in the Court Registry
 2 Investment System ("CRIS").

3 Primerica is a disinterested stakeholder and does not claim entitlement to any of the funds.¹
 4 The ownership of the funds is disputed between three adverse claimants. As such good cause
 5 exists to order the deposit of the funds into the Court registry.

6 Accordingly, Plaintiff respectfully requests that this Court grant its Motion to Deposit the
 7 Interplead Funds, plus accrued interest in the amount of **\$426,651.40**, pursuant to 28 U.S.C. § 1335,
 8 Fed. R. Civ. P. 67 and Local Rule 67-1.

9 Dated this 7th day of July 2020.

10 FORAN GLENNON PALANDECH PONZI &
 11 RUDLOFF PC

12 By: /s/ Lee H. Gorlin

13 Amy M. Samberg (NV Bar No. 10212)
 14 400 East Van Buren Street, Suite 550
 15 Phoenix, AZ 85004

16 Dylan P. Todd (NV Bar No. 10456)
 17 Lee H. Gorlin (NV Bar No. 13879)
 18 2200 Paseo Verde Parkway, Suite 280
 19 Henderson, NV 89052

20 *Attorneys for Plaintiff Primerica Life*
 21 *Insurance Company*

22 IT IS SO ORDERED:

23 IT IS ORDERED that the motion is granted
 24 as unopposed. See LR 7-2(d)

25 

26 UNITED STATES MAGISTRATE JUDGE

27 DATED: July 24, 2020

28 ¹ Primerica is not waiving its right to ask for its costs and reasonable attorney's fees, to be paid out of the funds, at the time of its dismissal and expressly reserves its rights to do so.